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In re application of
Beer et al.
Serial No. 08/957,187
Filed: October 24, 1997
For: MONO-ORMULTILAYER FILM

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), filed August 23, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed on August 11, 2004, for failure to timely file a proper reply to the Office letter mailed January 21, 2004 be withdrawn since applicants did timely file a reply February 18, 2004, 2003 as indicated in applicant's Certificate of Mailing. The Return Post Card indicating that the response was sent first class mail on February 18, 2004, and stamped as received by the USPTO on April 23, 2004 as submitted by applicant indicates that the Office received an Amendment, having a Certificate of Mailing pursuant to 37 CFR 1.8, filed in a timely manner and dated February 18, 2004.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on February 18, 2004 as evidenced by the Certificate of Mailing. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed January 21, 2004 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed on February 18, 2004 as indicated in the Certificate of Mailing.

The Petition is **GRANTED**.

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